

Senate bill No. 13, "An act to abolish the unorganized counties of Buchel and Foley, and incorporate their territory in the county of Brewster; to provide for the payment of certain bonds held by the State against said unorganized counties out of funds now on hand to their credit, and for the transfer and payment of the balance of said funds to the proper officers of said Brewster county,"

And find the same correctly enrolled, and have this day, at 3:20 p. m., presented the same to the Governor for his approval.

YETT, Acting Chairman.

#### Committee Room,

Austin, Texas, April 9, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 356, a bill to be entitled "An act to amend chapter 2, title IV, of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STAFFORD, Chairman.

On motion of Senator Colquitt, the Senate took a recess till 10 a. m. tomorrow.

#### AFTER RECESS.

Senate called to order at 10 a. m.

Lieutenant Governor Jester in the chair.

On motion of Senator Gough, the Senate took a recess until 12 m.

#### AFTER RECESS.

Senate called to order.

Lieutenant Governor Jester in the chair.

On motion of Senator Gough, the Senate adjourned to 10 a. m. Monday.

#### SIXTY-NINTH DAY.

#### Senate Chamber,

Austin, Texas, Monday, April 12.

The Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. No quorum, the following Senators answering to their names:

Bailey.	Burns.
Beall.	Colquitt.
Bowser.	Dibrell.

34—Senate.

Goss.	Rogers.
Gough.	Ross.
Greer.	Stafford.
Kerr.	Terrell.
Lewis.	Tillett.
Linn of Victoria.	Turney.
Morriss.	Woods.

#### Absent.

Atlee.	Presler.
Boren.	Stone.
Darwin.	Wayland.
Harrison.	Yantis.
Linn of Wharton.	Yett.
Neal.	

Prayer by the Chaplain, Rev. F. S. Jackson.

Almighty God: We thank Thee for the Christian Sabbath, with all its benefits and sacred memorials. That it was instituted for our good, joy, and safety, morally, mentally, and physically. We pray Thee, oh God, to impress upon us as we travel the busy walks of life, that unless we observe faithfully, and consciously keep the law of the Sabbath our growth and development as men will be abnormal in mind, body, or heart. We pray Thee to cultivate us in love and obedience that joyfully we may follow the program of life as Thou hast arranged it. Give us grace, wisdom, and strength for our duties and temptations to-day. Let Thy blessings be upon our homes, and Thy love cover our sins. These favors we ask, for Christ's sake. Amen.

Senator Beall moved a call of the Senate for the purpose of securing and maintaining a quorum, which was duly seconded and ordered, the following Senators answering to their names:

Bailey.	Lewis.
Beall.	Linn of Victoria.
Bowser.	Morriss.
Burns.	Rogers.
Colquitt.	Ross.
Dibrell.	Stafford.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Kerr.	Woods.

#### Absent.

Atlee.	Presler.
Boren.	Stone.
Darwin.	Wayland.
Harrison.	Yantis.
Linn of Wharton.	Yett.
Neal.	

No quorum appearing, on motion of Senator Beall the Senate took a recess for thirty minutes.

## AFTER RECESS.

Senate called to order.

**Lieutenant-Governor Jester in the chair.**

It appearing that no quorum could be obtained,

On motion of Senator Bailey, the Senate adjourned to 3 p. m.

## AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Roll called.

No quorum, the following Senators answering to their names:

Atlee.	Kerr.
Beall.	Lewis.
Boren.	Linn of Victoria.
Bowser.	Morriss.
Burns.	Rogers.
Colquitt.	Ross.
Dibrell.	Terrell.
Goss.	Tillett.
Gough.	Turney.
Greer.	Woods.

## Absent.

Bailey.	Stafford.
Darwin.	Stone.
Harrison.	Wayland.
Linn of Wharton.	Yantis.
Neal.	Yett.
Presler.	

Senator Ross moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Atlee.	Kerr.
Bailey.	Lewis.
Beall.	Linn of Victoria.
Boren.	Morriss.
Bowser.	Rogers.
Burns.	Ross.
Colquitt.	Terrell.
Dibrell.	Tillett.
Goss.	Turney.
Gough.	Woods.
Greer.	

## Absent.

Darwin.	Stafford.
Harrison.	Stone.
Linn of Wharton.	Wayland.
Neal.	Yantis.
Presler.	Yett.

Senator Colquitt moved that the Sergeant-at-Arms be instructed to bring in all the Senators who were in the city, and he was so instructed.

## PETITIONS AND MEMORIALS.

By Senator Terrell:

Petition of 39 school teachers of Montague county, favoring the adop-

tion of a uniform system of text-books for Texas schools, and asking for a liberal appropriation for the support of the summer normal schools.

Read and referred to Committee on Education.

By Senator Rogers, protest:

We, the people of Houston county, assembled in mass meeting, desire to make protest against the judicial district now pending before the Legislature, and for reason would say:

1st. It is impracticable to make a re-apportionment of the judicial districts, except to take effect at the end of the term of office of the district judges and district attorneys, because they are constitutional officers, and their tenure of office can not be destroyed or disturbed by legislative act, and any attempt to do so is in violation of a fundamental principle of government incorporated in our Constitution, article 2, section 1.

2nd. The Constitution provides that the State shall be divided into as many judicial districts as may now or hereafter be provided by law; that for each district there shall be elected by the qualified voters a judge, of certain named qualifications, who shall hold his office for the period of four years, and shall receive an annual salary of \$2500 until changed by law, etc. Article 5, section 7. This provision places district judge in office for four years, beyond the power of the legislative branch of government to control, except by general law applicable alike to all district judges, to increase or diminish the salary of the district judges of the State; but it confers no power to take from any particular judge his salary by special act or by any new arrangement of districts; otherwise any judge of the State could be robbed of his office on any pretext at the caprice of the legislative department, and thus the cardinal principle of an independent judiciary, secured by the Constitution as the bulwark of the liberty of the citizen and of his rights of property, would be destroyed and our system of government subverted.

3rd. The bill now pending is especially obnoxious in this, it not only seeks to deprive judges and district attorneys of their offices, but where two judges elected by the people are placed in the same district, whether by accident or design, they shall both surrender their offices, and then the Governor is authorized to appoint a judge for the district created, thus depriving the people of the constitutional right

to have the judges chosen and elected by themselves.

4th. The bill has provided all relief called for by the larger cities by extra districts and judges, but proposes to sacrifice the country and smaller towns on a plea of economy, which will result in clogging out courts and bringing upon us a condition of affairs from which we escaped in 1876, after a desperate struggle which had lasted nearly ten years. The losses to litigants and the injury to society resulting from the paralysis and congested condition of the courts from 1867 to 1876, should not be brought upon us again by the specious but false plea of economy; nor should our judicial system be disarranged and thrown into confusion by questionable methods that will surely be disputed and brought to a proper test.

5th. The district we have (the third) contains about 68,000 people, and yet we are deprived of our district judge chosen by ourselves, as we had right to do, on the plea that the district should be larger, and at the same time Harris county is allowed an extra district and an extra judge, besides having a criminal court, when their population does not exceed that of this district.

6th. This county would be by the proposed bill placed in a republican district, and thus would be placed subject to the casualties that belong to such an unfortunate condition in Texas.

7th. It is absolutely preposterous to suppose that one judge can transact all the business, civil and criminal, of the six counties of Houston, Walker, Brazos, Grimes, Leon and Madison, with a population of about 175,000, and in each county a large criminal docket and a large negro population.

8th. And we hereby instruct and request the representatives from this county and the Senator from this district to use all possible means to defeat this bill, and if this can not be done, then to get Houston county out of the proposed new district.

#### COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 12, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 348, a bill to be entitled "An act to amend article 1331, chapter 13, title 30, of the Revised

Statutes of Texas of 1895, relating to special verdicts."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

Committee Room,

Austin, Texas, April 12, 1897.

Hon. Geo. T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 319, a bill to be entitled "An act to amend title 27, chapter 3, of the Revised Civil Statutes of the State of Texas, and further defining the jurisdiction of the Supreme Court of the State of Texas, by adding to article 941, subdivision 9."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, because the bill seeks to add to the jurisdiction of the Supreme Court, when this can be done only by constitutional amendment.

LEWIS, Chairman.

Committee Room,

Austin, Texas, April 12, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 323, a bill to be entitled "An act to amend article 2286 of the Revised Civil Statutes of Texas, and returning of depositions."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

LEWIS, Chairman.

Committee Room,

Austin, Texas, April 12, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 221, a bill to be entitled "An act to provide for the disposition of witness fees not received by witnesses entitled thereto in the district and county courts of Texas, providing for the procuring and correct and proper keeping of a witness fee book, and all other accounts and records necessary to be kept therewith."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

LEWIS, Chairman.

## Committee Room,

Austin, Texas, April 12, 1897.

Hon. George T. Jester, President of the Senate.

Your Judiciary Committee No. 1, to whom was referred

House bill No. 77, a bill to be entitled "An act to amend article 2396 of the Revised Civil Statutes of Texas of 1895, by adding thereto the proviso that the proceeds of the voluntary sale of the homestead of a family shall not be subject to garnishment within six months after such sale."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

(1) Amend by striking out the words "or any part thereof" following the word "homestead" and preceding the word "shall."

(2) Amend by striking out the word "twelve" and insert "six" where it occurs in the caption and in bill.

(3) Amend section 1 by inserting after the word "garnishment" the words "or forced sale."

LEWIS, Chairman.

## Committee Room,

Austin, Texas, April 12, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 333, a bill to be entitled "An act to provide for the Comptroller of the State of Texas to prescribe a uniform system of assessment blanks and tax rolls for the various counties, etc., and to amend article 2839, title 52, of the Revised Statutes of the State of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

## Committee Room,

Austin, Texas, April 12, 1897.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 556, a bill to be entitled "An act authorizing certified copies of instruments conveying lands in Archer county recorded in Jack county, from the 10th day of August, 1866, to the 10th day of August, 1870, to be admitted in evidence in all suits where secondary evidence is admissible."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

LEWIS, Chairman.

## Committee Room,

Austin, Texas, April 12, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on State Affairs, to whom was referred

House bill No. 518, entitled "An act to amend articles 5243i, 5243j and 5243k, of chapter 9, title 104, of the Revised Civil Statutes, relating to the taxation of insurance, telephone, sleeping and dining car and other corporations, and to provide for forfeiting the charters of domestic corporations and permits of foreign corporations to do business in this State for failure to pay the franchise tax levied by this act, and to define and prescribe the notice to be given to said corporations previous to such forfeiture."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Amend section 1 by inserting after the word "levied," in line 11, page 5, original bill, the following: All transportation companies now paying an annual income tax on their gross receipts in this State shall be exempted from the provisions of this act.

BEALL, Chairman.

## Committee Room,

Austin, Texas, April 12, 1897.

To the Hon. Geo. T. Jester, President of the Senate, and Hon. L. T. Dashiell, Speaker of the House of Representatives:

We, your free conference committee, to whom was referred House bill No. 413 with Senate amendments, have had same under consideration, and beg to report back as follows, and recommend the report be adopted:

1st. We recommend that the House concur in Senate amendment No. 1, and that it be adopted.

2nd. We recommend that the second Senate amendment be concurred in and adopted.

3rd. We recommend that the third Senate amendment be concurred in and adopted.

4th. We recommend that the fourth Senate amendment be concurred in and adopted.

5th. We recommend that the fifth Senate amendment be not concurred in.

6th. We recommend that the sixth and seventh Senate amendments be amended by striking out the word "precincts" in each amendment, and as amended that said Senate amendments Nos. 6 and 7 be adopted.

7th. We recommend that the eighth Senate amendment be amended by striking out the words "or election precinct," and as amended that it be adopted.

8th. Amend the bill by striking out the words "or voting" after the word "justice's," in line 8 of the bill, as printed in the Senate.

GREER, Chairman,  
LINN of Wharton,  
BURNS,  
COLQUITT,

Committee on part of Senate.

DREW, Chairman,  
STAPLES,  
BLAIR,  
MORRIS,  
McGAUGHEY,

Committee on part of House.

Committee Room,

Austin, Texas, April 9, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 154, a bill to be entitled "An act to require cities to provide for a board of plumbers, to be known as the examining and supervising board of plumbers, to regulate the duties of said board, and to provide penalties for violation hereof."

And find the same correctly engrossed.

GOUGH, Chairman.

Committee Room,

Austin, Texas, April 12, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 345, a bill to be entitled "An act to further amend section 2, of an act entitled an act to reorganize the Fifteenth Judicial District and the Fortieth Judicial District, and to amend chapter 67, section 15, of the General Laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2, of chapter 58, of the General Laws of Texas, ap-

proved March 27, 1885, creating the Fortieth District, and to repeal all laws in conflict with this act, approved March 21, 1893, as amended by an act entitled 'An act to amend section 2, of an act to be entitled an act to reorganize the Fifteenth Judicial District and the Fortieth Judicial District, and to amend chapter 67, section 15, of the General Laws of Texas, approved April 9, 1883, redistricting the State for judicial purposes, and to amend section 2, chapter 58, of the General Laws of Texas, approved March 27, 1885, creating the Fortieth Judicial District, and to repeal all laws in conflict with this act,' passed at the present session of the Legislature, and to further regulate and fix the times of holding courts in the Fortieth Judicial District, and to repeal all laws in conflict herewith."

And find the same correctly engrossed.

GOUGH, Chairman.

## BILLS AND RESOLUTIONS.

By Senator Kerr:

Senate bill No. 357, a bill to be entitled "An act to amend article 804, of the Penal Code, relating to hunting and fishing in the enclosures of another without permission."

Read first time and referred to Judiciary Committee No. 2.

By Senator Dibrell:

Senate bill No. 358, a bill to be entitled "An act to validate the incorporation of cities and towns of one thousand inhabitants or over which have heretofore been incorporated without authority of law, and which were afterwards validated by special act of the legislature, and which have attempted subsequently to accept the provisions of articles 340, 344, 346, 352 and 357, chapter 103, title 17, of the Revised Civil Statutes of 1879 of the State of Texas, as amended by an act approved April 6, 1881, by the Seventeenth Legislature of the State of Texas in lieu of their former charters of incorporation, but which have failed to comply with the said provisions of said articles as amended by the acts of 1881."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Terrell:

Senate bill No. 359, a bill to be entitled "An act to amend subdivisions 1 and 2, chapter 2, title 15, article 1093, of the Code of Criminal Procedure of the State of Texas, relating to at-

tached witnesses, and providing fees for same."

Read first time and referred to Judiciary Committee No. 2.

By Senator Colquitt:

Senate bill No. 360, a bill to be entitled an act to amend article 170, title 9, chapter 2, of the Revised Civil Statutes of 1895, relating to the compensation of Superintendent of the State Orphan Asylum."

Read first time and referred to Committee on Finance.

By Senator Woods:

Senate bill No. 361, a bill to be entitled "An act to authorize and empower cities having more than ten thousand inhabitants to make provision for the payment of debts lawfully incurred prior to January 1, 1897."

Read first time and referred to Judiciary Committee No. 1.

By Senators Ross and Terrell:

Whereas, the members of the Senate have heard with extreme delight and gratification of the election of the Hon. E. L. Agnew to the exalted position of alderman of the city of Bonham; and

Whereas, the Hon. E. L. Agnew was an honored member of this body in the Twenty-third and Twenty-fourth Legislatures; therefore be it

Resolved, that the congratulations of this Senate be extended him as a mark of appreciation of his promotion, and that the secretary of the Senate be instructed to mail him a copy of this resolution.

On motion of Senator Goss, the resolution as read was adopted by the following vote:

Yeas—17.

Mr. President.	Greer.
Bailey.	Kerr.
Beall.	Morriss.
Boren.	Rogers.
Bowser.	Ross.
Burns.	Terrell.
Dibrell.	Tillett.
Goss.	Wayland.
Gough.	

Nays—4.

Atlee.	Lewis.
Colquitt.	Turney.

Present, not voting.

Linn of Victoria.

Absent.

Darwin.	Stafford.
Harrison.	Stone.
Linn of Wharton.	Woods.
Neal.	Yantis.
Presler.	Yett.

By Senator Beall:

Senate concurrent resolution:

Be it resolved by the Senate, the House of Representatives concurring, that the regular session of the Twenty-fifth Legislature adjourn sine die at 12 o'clock noon on Tuesday, May 4, 1897.

By Senator Gough:

Amend by striking out "Tuesday, the 4th," and inserting in lieu thereof "Saturday, May 1st."

Adopted.

The resolution as amended was adopted by the following vote:

Yeas—18.

Atlee.	Greer.
Bailey.	Kerr.
Beall.	Lewis.
Boren.	Linn of Victoria.
Bowser.	Rogers.
Burns.	Terrell.
Colquitt.	Tillett.
Dibrell.	Turney.
Gough.	Woods.

Nays—3.

Goss.	Ross.
Morriss.	

Absent.

Darwin.	Stafford.
Harrison.	Stone.
Linn of Wharton.	Wayland.
Neal.	Yantis.
Presler.	Yett.

Call concluded.

#### HOUSE MESSAGE.

The following House message was received:

House of Representatives,  
Austin, Texas, April 12, 1897.

Hon. George T. Jester, President of the Senate:

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 539, "An act making an appropriation for deficiencies in the appropriations heretofore made for the payment of expenses for the support of the State government from March 1, 1895, to February 28, 1897, and for previous years."

Also, that the House has adopted the report of the free conference committee on Senate bill No. 240.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

The above House bill (No. 359) was read first time and referred to the Committee on Finance.

Senator Dibrell arising to a point of personal privilege, and, being recognized, spoke as follows:

Mr. President: In the Houston Post of date of April 10, is contained what purports to be a correct account of the proceedings of the Senate. The reporter makes the following statement: "He" (meaning myself) "then charged that the Democratic party had stolen almost everything from the Populist in the last two years. (The Populist members applauded)" This report is not true, and does me a very great injustice. I never in the course of my remarks used the language quoted; nor did I say the Democratic party had stolen anything from the Populist. I said the two last Legislatures had enacted into law nearly all that was good in the State platform of the Populist party. I never intimated that my party would steal a thing of no value. I did say that the idea of State uniformity in textbooks was a plank in the State platform of the Populist party in Texas for the years 1892 and 1894 and prior thereto, and that it was never a demand of the Democratic party. I did not, however, use this as an argument against the measure, for I have always been a believer that good may come out of Nazareth. I desire to state further that the Populist members of the Senate did not applaud my remarks, but on the contrary misconstrued them as in derision of their party. To such an extent did our friends of the Populist party resent my allusion to them that the distinguished Senator from Bell (Senator Harrison) arose for the purpose of saying that the pending measure was of Populist origin, and that the Democratic party had stolen everything that was good from his party. The Post reporter, inadvertently I hope, has placed Senator Harrison's words in my mouth, and I beg this opportunity to spit them out.

The Chair gave notice of signing, and did sign, after their captions had been read,

Substitute House bill No. 90, a bill to be entitled "An act to regulate the practice of dentistry in the State of Texas, and to prescribe penalties for the violation of the same, and to provide for appointment of a State Board of Dental Examiners."

House bill No. 653, a bill to be entitled "An act to prohibit the taking of fish from the waters of Carter's lake, Clinton lake and Caddo lake, and their tributaries in Harrison and Marion counties in this State, otherwise than by means of ordinary hook and line and trot line; and to prohibit the sale

or shipping of game fish in said counties of Harrison and Marion, and to provide penalties for the violation thereof."

House bill No. 314, a bill to be entitled "An act to amend articles 529c, 529d, 529g, 529h, 529m and 529n, of chapter 5, title 13, of the Penal Code of the State of Texas of 1895, by adding articles 529s and 529t to said chapter 5, title 13, of said Penal Code of the State of Texas, relating to offenses for the protection of fish, birds, and game, and to repeal all laws in conflict herewith."

House bill No. 613, a bill to be entitled "An act to set apart for free school purposes four leagues of land heretofore granted to the territory known as Greer county, and to authorize the Attorney General to institute proceedings for the recovery of said land,"

House bill No. 281, a bill to be entitled "An act to repeal article 2923, chapter 6, title 52, of the Revised Civil Statutes of the State of Texas."

House bill No. 459, a bill to be entitled "An act to require bond investment companies doing business in the State of Texas to deposit certain sums of money or securities with the Treasurer of the State of Texas, and providing penalties for failing to comply with the terms of this law."

House bill No. 389, a bill to be entitled "An act to amend subdivision 32, of article 22, title IV, of the Revised Civil Statutes of Texas, fixing the time for holding the district court in the Thirty-second judicial district."

House bill No. 476, entitled "An act to restore to and confer upon the county court of San Saba county the civil and criminal jurisdiction formerly belonging to said county under the Constitution and General Statutes, and to conform the jurisdiction of the district court of said county to said change."

House bill No. 677, a bill to be entitled "An act to amend sections 23 and 24 of House bill No. 351, entitled 'An act to provide for the construction and maintenance of drains, ditches and water courses, and for the improvement and enlargement of natural drainage of the several counties within the State of Texas, and to repeal all laws in conflict with this act,' passed at the present session."

House bill No. 654, a bill to be entitled "An act to create a more efficient road system for Gregg county, and to provide for the appointment of road overseers, and to define the powers and jurisdiction of the commissioners

court with regard thereto, and to utilize the labor of county convicts and defaulting poll tax payers on the public roads of said county, and providing for the appointment of an overseer to work such convicts and defaulting poll tax payers."

House bill No. 557, a bill to be entitled "An act to amend article 22, title 4, of the Revised Civil Statutes of the State of Texas, so as to extend the terms of the district court in Waller and Fort Bend counties."

On motion of Senator Bailey, the regular order of business was suspended to take up on its second reading.

Senate bill No. 264, a bill to be entitled "An act to amend article 944 of chapter 17, Revised Statutes, Penal Code, relating to swindling, by substituting for section 4 a section so as to include within the term "swindling" the obtaining of personal property by means of false statement or misrepresentation as to financial worth, assets or resources, and adding section 5, providing that offenses not specifically enumerated under this article shall, nevertheless, be an offense, if within the reasonable and fair definition of the term 'swindling.'"

Bill read second time.

By Senator Gough:

Amend by inserting between 3 and 4 the following: "4. The execution and passage, for a valuable consideration, upon any bank, with the intent to defraud, the party representing at the time of passing such check that he had money in the bank upon which the check is drawn to pay the same, or that he had credit with such bank to the extent of the amount of such check, when in truth and in fact he did not have such money or credit." Amend further by changing the number of subdivision 4 to 5.

Adopted.

By Senator Turney:

Amend by inserting after the word "representation," in line 29, section 4, the words "in writing."

Adopted.

By Senator Gough:

Amend by inserting after the word "resources," in line 9, the following: "And the execution and passage, for a valuable consideration, of a check upon any bank with the intent to defraud, the party representing at the time of passing such check that he had money in the bank upon which the check is drawn to pay the same, or that he had credit with such bank

to the extent of the amount of such check, when in truth and in fact he did not have such money or credit."

Adopted.

Bill as amended ordered engrossed.

### SPECIAL ORDER.

The Chair laid before the Senate, Substitute Senate bill No. 41, a bill to be entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1897, and ending February 28, 1899, and for other purposes."

Senator Colquitt moved that the bill be considered by departments.

Carried.

The Executive Department was read, there being no amendments.

The Comptroller's Department was considered, there being no amendments.

The Treasury Department was read.

By Senator Morriss:

Amend line 7, page 4, to read "\$1200 for each year."

Adopted by the following vote:

Yeas—15.

Atlee.	Morriss.
Beall.	Neal.
Burns.	Rogers.
Dibrell.	Ross.
Goss.	Stafford.
Greer.	Tillett.
Kerr.	Turney.

Linn of Victoria.

Nays—7.

Boren.	Lewis.
Bowser.	Terrell.
Colquitt.	Woods.
Gough.	

### Absent.

Bailey.	Stone.
Darwin.	Wayland.
Harrison.	Yantis.
Linn of Wharton.	Yett.
Presler.	

By Senator Linn of Victoria:

Amend page 4, line 5, by striking out "for each year, \$1200," and inserting "\$1400 for each year."

Lost.

By Senator Gough:

Amend by striking out "\$750" in line 16, page 4, and insert in lieu thereof "for each year, \$250."

Lost.

By Senator Gough:

Amend by striking out line 17, page 4.

Lost.

By Senator Terrell:

Amend by striking out "\$1500," line



6, page 4, salary of receiving clerk, and insert "\$1200."

Lost.

The General Land Office Department was then read. No amendments were offered.

Senator Bowser moved that the bill be considered by departments, and that each department as read and amended be adopted.

Lost.

The Attorney-General's Department was then read.

By Senator Stafford:

Amend line 29, page 6, by inserting "\$1200" for "\$1000."

Lost.

By Senator Bailey:

Amend line 3, page 7, by striking out "\$360" and insert "\$480."

Lost by the following vote:

Yeas—10.

Atlee.	Goss.
Bailey.	Gough.
Bowser.	Morriss.
Burns.	Stafford.
Dibrell.	Turney.

Nays—12.

Beall.	Linn of Victoria.
Colquitt.	Rogers.
Greer.	Ross.
Harrison.	Terrell.
Kerr.	Tillett.
Lewis.	Woods.

Absent.

Boren.	Stone.
Darwin.	Wayland.
Linn of Wharton.	Yantis.
Neal.	Yett.
Presler.	

The Department of the Court of Criminal Appeals was then read.

By Senator Bowser:

Amend by inserting after the word "cases," line 24, page 7, "\$666 2-3 to the clerk of each court."

Adopted.

The Supreme Court Department was then read.

By Senator Burns:

Amend line 31, page 7, by striking out "\$200," and inserting in lieu thereof "\$300," as provided by statute, article 939.

Lost.

By Senator Terrell:

Amend by striking out all of line 32, page 7.

Lost.

On motion of Senator Greer, pending business was suspended to take up, on second reading,

Substitute Senate bill No. 328, a bill to be entitled "An act to amend article 812, of the Revised Civil Statutes of the State of Texas, relating to the removal of county seats."

Bill read second time.

By Senator Colquitt:

Amend by striking out all after the word "application," in line 24, down to and including the word "jail," in line 28.

Lost by the following vote:

Yeas—7.

Burns.	Neal.
Colquitt.	Stafford.
Kerr.	Woods.
Morriss.	

Nays—13.

Atlee.	Lewis.
Bailey.	Linn of Victoria.
Beall.	Rogers.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Harrison.	

Absent.

Boren.	Ross.
Bowser.	Stone.
Darwin.	Wayland.
Dibrell.	Yantis.
Linn of Wharton.	Yett.
Presler.	

Senator Colquitt moved that the Senate adjourn to 10 a. m. to-morrow.

Lost.

Bill ordered engrossed.

Senator Greer moved to reconsider the vote by which the bill was ordered engrossed and to lay that motion on the table.

Tabled.

On motion of Senator Stafford, the regular order of business was suspended to take up, on its second reading,

Senate bill No. 356, a bill to be entitled "An act to amend article 244, chapter 2, title IV, of the Code of Criminal Procedure of the State of Texas."

Bill read second time, and ordered engrossed.

On motion of Senator Stafford, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—22.

Atlee.	Burns.
Bailey.	Colquitt.
Beall.	Goss.
Bowser.	Gough.

Greer.	Rogers.
Harrison.	Ross.
Kerr.	Stafford.
Lewis.	Terrell.
Linn of Victoria.	Tillett.
Morriss.	Turney.
Neal.	Woods.

Nays—none.

Absent.

Boren.	Stone.
Darwin.	Wayland.
Dibrell.	Yantis.
Linn of Wharton.	Yett.
Presler.	

Bill read third time, and passed by the following vote:

Yeas—21.

Atlee.	Lewis.
Bailey.	Linn of Victoria.
Beall.	Morriss.
Bowser.	Neal.
Burns.	Rogers.
Colquitt.	Ross.
Goss.	Stafford.
Gough.	Terrell.
Greer.	Tillett.
Harrison.	Turney.
Kerr.	Woods.

Nays—none.

Absent.

Boren.	Stone.
Darwin.	Wayland.
Dibrell.	Yantis.
Linn of Wharton.	Yett.
Presler.	

On motion of Senator Terrell, the regular order of business was suspended to take up on second reading.

Senate bill No. 312, a bill to be entitled "An act to amend article 397 of chapter 2, title 18, of the Revised Civil Statutes of the State of Texas, relating to cities and towns and the election of its officers."

Bill read second time, and ordered engrossed.

On motion of Senator Terrell, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—23.

Atlee.	Gough.
Bailey.	Greer.
Beall.	Harrison.
Bowser.	Kerr.
Burns.	Lewis.
Colquitt.	Linn of Victoria.
Dibrell.	Morriss.
Goss.	Neal.

Rogers.	Tillett.
Ross.	Turney.
Stafford.	Woods.
Terrell.	

Nays—none.

Absent.

Boren.	Stone.
Darwin.	Wayland.
Linn of Wharton.	Yantis.
Presler.	Yett.

Bill read third time, and passed by the following vote:

Yeas—23.

Atlee.	Lewis.
Bailey.	Linn of Victoria.
Beall.	Morriss.
Bowser.	Neal.
Burns.	Rogers.
Colquitt.	Ross.
Dibrell.	Stafford.
Goss.	Terrell.
Gough.	Tillett.
Greer.	Turney.
Harrison.	Woods.
Kerr.	

Nays—none.

Absent.

Boren.	Stone.
Darwin.	Wayland.
Linn of Wharton.	Yantis.
Presler.	Yett.

On motion of Senator Beall, the regular order of business was suspended, to take up on its third reading,

Senate bill No. 149, a bill to be entitled "An act to amend article 3893 of the Revised Civil Statutes of the State of Texas, relating to the investment of the permanent school fund."

Bill read third time, and passed by the following vote:

Yeas—14.

Atlee.	Greer.
Bailey.	Harrison.
Beall.	Kerr.
Bowser.	Linn of Victoria.
Burns.	Neal.
Goss.	Rogers.
Gough.	Woods.

Nays—7.

Colquitt.	Stafford.
Lewis.	Terrell.
Morriss.	Turney.
Ross.	

Absent.

Boren.	Stone.
Darwin.	Tillett.
Dibrell.	Wayland.
Linn of Wharton.	Yantis.
Presler.	Yett.

Senator Beall moved to reconsider the vote by which the bill passed and to lay that motion on the table.

Tabled.

On motion of Senator Colquitt, the regular order of business was suspended, to take up on its second reading,

Senate bill No. 346, a bill to be entitled "An act to provide for paying the traveling expenses of the Railroad Commissioners, secretary, clerks and other employees."

**Bill read second time.**

On motion of Senator Lewis, the Senate adjourned to 10 a. m. to-morrow.

#### SEVENTIETH DAY.

Senate Chamber,  
Austin, Texas, Tuesday April 13.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Linn of Victoria.
Bailey.	Linn of Wharton.
Beall.	Morriss.
Bowser.	Neal.
Burns.	Rogers.
Colquitt.	Ross.
Dibrell.	Stafford.
Goss.	Stone.
Gough.	Terrell.
Greer.	Timett.
Harrison.	Turney.
Kerr.	Woods.
Lewis.	Yett.

Absent.

Boren.	Wayland.
Darwin.	Yantis.
Presler.	

Prayer by the Chaplain, Rev. F. S. Jackson.

Almighty God: We pray Thee to give us a knowledge of our own weaknesses and imperfections. Assist us to rightly understand the bent and tendencies of our natures. Help us to realize that we live in the midst of conditions that are unfriendly to our best interest. That pitfalls, cesspools and quagmires of sin surround our footsteps. Guide us, that we may go on and not fall, nor have our characters soiled and scarred by the slime and cancer of sin. Help us to love Thee and Thy law and be directed by its lessons of truth, safety

and warning. Our Father, we remember Thy sympathy and pity for the sick, therefore most devoutly we pray Thee to bless the sons of Senator Boren and Mr. Lambert, who in the morning of life are struck down by the dread destroyer of human life—consumption. In Thy own gentle and tender love visit and comfort these in their lonely hours of suffering. Devise some remedy that shall prove effectual in arresting the disease and restoring them to health and strength. Bless their parents in this, their sad hour of distress and anxiety. Give them grace, sympathy and strength to meet the sad affliction through which they are passing. We ask for Christ's sake. Amen.

Pending the reading of the Journal of yesterday,

On motion of Senator Woods, the same was dispensed with.

On motion of Senator Woods, Senator Yantis was excused for non-attendance upon the Senate for Wednesday, Thursday and Friday of last week, and all of this week, on account of important business.

On motion of Senator Goss, Senator Harrison was excused for absence on yesterday on account of important business.

On motion of Senator Stafford, Senator Rogers was excused for absence last week on account of sickness.

On motion of Senator Neal, Senator Yett was excused for absence on yesterday on account of important business.

On motion of Senator Bowser, Senator Neal was excused for absence Saturday and yesterday on account of important business.

The Chair laid before the Senate the following invitation:

San Antonio, April 12, 1897.

Lieutenant Governor Jester, Speaker of the Senate:

Dear Sir: Please extend to members of Legislature in Senate assembled an invitation from the ladies of the "Battle of Flowers Association" to attend the grand parade and battle, to be held on Alamo Plaza April 21, 1897, in the town of San Antonio—a festivity in commemoration of the glorious victory won at San Jacinto.

Very respectfully,

MRS. ELLA DANCY-HALL,  
Cor. Sec., Battle of Flowers Ass'n,  
206 Garden street.

By order of Mrs. Ogden, President,